

workforce, which equates to one furlough day per biweekly pay period for approximately 11 days through September 30. The FAA also plans to eliminate midnight shifts in more than 70 control towers across the country and will close more than 149 air traffic control towers at airports with fewer than 150,000 flight operations or 10,000 commercial operations per year. In addition, the agency is slated to reduce preventive maintenance and equipment provisioning and support for all National Airspace System equipment.

These are simply irresponsible cuts that have real and detrimental impacts on the traveling public, on the airline industry, on the hospitality industry, and they will cause widespread delays to the air transportation system. It is estimated as many as 6,700 flights could be delayed each day, more than double the worst day of flight delays last year.

In fact, there is one estimate that just since Sunday, 5,800 delays have occurred because of the actions taken by the FAA. This reduction in staffing of air traffic controllers has been the primary cause of at least one out of every three delays since the furloughs began, and the problem is only going to get worse.

To give an example: On Monday there were 2,660 delayed flights, of which 1,200 were due to the furloughs. What is even more troubling is this is only the beginning, and soon we will be approaching the peak travel season. Some airports may experience delays of up to 3 hours during peak travel times, and we know these delays cause a ripple throughout the entire system. What is going to happen is that air travelers are going to decide to cancel trips and will not even bother to go on brief vacations because they don't want to spend 3 hours sitting on the tarmac waiting for their flights to take off.

The FAA acknowledges these service reductions will adversely affect commercial, corporate, and general aviation operators. The agency expects that as the airlines estimate the potential impact of the furloughs, they will be forced to change their schedules, cancel flights, and lay off employees. At a time when our economy is already fragile, that is the last thing we need to happen.

The legislation I am introducing with several of my colleagues, including Senator MARK UDALL, is called the Reducing Flight Delays Act of 2013. Here is how it would work: It would provide the Secretary of Transportation with the flexibility to transfer certain funds to prevent the furloughs of essential employees at the FAA, and certainly air traffic controllers qualify as essential employees.

Specifically, it would give the Secretary the authority to transfer an amount not to exceed \$253 million to prevent the furloughs of the air traffic controllers and other essential employees in order to reduce flight delays and

at the same time to maintain a safe and efficient national airspace system. Our bill would accomplish this goal by allowing a one-time shift of unused moneys in the Airport Improvement Program to the operations account.

I first raised this idea of using the AIP carryover balances as a solution at our Republican policy lunch on Tuesday. Since that time, many of my colleagues from both sides of the aisle have indicated interest in this approach.

I want to emphasize our legislation has been vetted by the general counsel offices at both the FAA and the Secretary's office, so we know it works. Secretary LaHood told me this morning it is an effective, workable solution.

I want to explain further exactly how this would work. Each year funds are distributed according to a formula under the Airport Improvement Program to airports across the country, but each year there are moneys that cannot be used by these airports by the end of the fiscal year. Those moneys come back to the FAA in Washington, and they are then usually reallocated through a competitive grant program.

Last year it was as much as \$700 million that came back to Washington to be reallocated. This year the amount of unused funds is estimated to be approximately \$400 to \$450 million. So we would take \$253 million of that \$400-plus million and use those funds to avoid these very damaging furloughs. The rest of the funds would, as usual, be reallocated to airports that need them through a competitive grant program.

I want to be clear: This is the discretionary portion of the Airport Improvement Program. It in no way affects the entitlement funds that airports are guaranteed to receive. The program has sufficient funding to support this effort. Moreover, this is a one-time shift. It does not in any way provide a permanent change in this program.

There would also be sufficient funds to fully fund and continue operating the contract tower programs, which so many of our colleagues—particularly Senator MORAN—have supported and been concerned about.

This is a commonsense solution. It doesn't involve additional money. It is a one-time shift of unused moneys. It does not make a permanent change in the Airport Improvement Program. It will solve the problem, avoid the need for these delays, for layoffs, and avoid harming our economy at a time when we can least afford to do so.

The Airport Improvement Program is a very important program. It does support infrastructure at our Nation's airports. We are simply taking the unused funds that are generally reallocated and instead using a portion of these funds to avoid these disastrous implications of the direction the FAA has chosen.

Our bill should be recognized as a one-time solution in order to avert these serious national impacts.

I urge my colleagues to support this bill, and I hope we can act very promptly to solve this problem.

Thank you, Mr. President.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess for 1 hour.

Thereupon, the Senate, at 10:31 a.m., recessed until 11:30 a.m. and reassembled when called to order by the Presiding Officer (Mr. SCHATZ).

## MARKETPLACE FAIRNESS ACT OF 2013

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 743, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 743) to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

Pending:

Reid (for Enzi) amendment No. 741, of a perfecting nature.

Durbin amendment No. 745 (to amendment No. 741), to change the enactment date.

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, pending on the floor is S. 743. This is a bill which, in its simplest terms, will allow the States to ask Internet retailers, when they sell in the State, to collect sales tax. Currently, every State requires consumers to pay the sales tax, but it is not collected at the point of purchase. So this legislation will respond to a 20-year-old Supreme Court decision that said to Congress: You have to write a law to do this. This is the law.

Senator ENZI and I, Senator HEIDI HEITKAMP, as well as Senator LAMAR ALEXANDER, we have all worked together on this legislation on a bipartisan basis.

This measure was before the Senate last week. It is not a long bill; it is 11 pages. It is certainly within the grasp of any Senator to secure and read it and understand it. It is very straightforward.

We have had efforts made on the Senate floor to delay consideration of this measure. We have taken three votes on it over the past month or so. The first